

AO 243 (Rev. 01/15)



MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District	EASTERN DISTRICT VIRGINIA
Name (under which you were convicted):		DYLAN ALLEN JEFFRIES	Docket or Case No.: 4:15 cr 83
Place of Confinement:		FCC Petersburg Va. (Low)	Prisoner No.: 86901-083
UNITED STATES OF AMERICA		Movant (include name under which convicted) V. DYLAN ALLEN JEFFRIES	

## MOTION

- (a) Name and location of court which entered the judgment of conviction you are challenging: United STATES District Court, Eastern VIRGINIA District  
Newport News Division
- (b) Criminal docket or case number (if you know): 4:15 cr 83
- (a) Date of the judgment of conviction (if you know): June 24, 2016
- (b) Date of sentencing: \_\_\_\_\_
- Length of sentence: 10 years
- Nature of crime (all counts): ① Coercion and enticement of a minor, use  
persuade, induce, entice and coerced a minor to  
engage in sexually explicit conduct. ② use of computer  
and/or smartphone, internet and social network site,  
Facebook, to knowingly persuade, induce entice and  
not yet 18. Count 3 is a repeat of count 2
- (a) What was your plea? (Check one)
 

(1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to? Count 3 of the  
Indictment

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6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐Judge only ☒

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Docket or case number (if you know): \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result (if you know): \_\_\_\_\_

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

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- (2) Docket or case number (if you know): 4:15 cr 83
- (3) Date of filing (if you know): 6-24-16
- (4) Nature of the proceeding: Sentencing Hearing
- (5) Grounds raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☐

- (7) Result: \_\_\_\_\_

- (8) Date of result (if you know): \_\_\_\_\_

- (b) If you filed any second motion, petition, or application, give the same information:

- (1) Name of court: \_\_\_\_\_

- (2) Docket or case number (if you know): \_\_\_\_\_

- (3) Date of filing (if you know): \_\_\_\_\_

- (4) Nature of the proceeding: \_\_\_\_\_

- (5) Grounds raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☐

- (7) Result: \_\_\_\_\_

- (8) Date of result (if you know): \_\_\_\_\_

- (c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

- (1) First petition:

Yes ☐No ☐

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(2) Second petition: Yes ☐ No ☒

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

Attorney Advised me That he could get my sentence reduced upon a guilty plea, he was wrong.

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Not Federal Jurisdiction, The federal courts cannot be courts of general jurisdiction

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

United States V. Birykliogha (5th Circuit court of Appeals)  
652 Fed Appx 274: 2016 US Appx. Lexis 10847 (14-31003)  
"The use of the Internet alone is insufficient to establish Interstate Nexus"

US v Clarke (9-23-16) Lexis 20671

The government must prove beyond a reasonable doubt that  
(1) I had culpable intent to commit the crime (2) That I  
took steps toward completion of crime. of which I did  
not do.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: Attorney was  
not effective in negotiating with courts.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

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Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

My attorney simply gave up after conviction, stating he would "shine" during negotiation for a not guilty verdict, he is not shining.

GROUND TWO: Ineffective Counsel

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My attorney was too concerned with making future deals with prosecutors. He was fearful and intimidated by prosecution. He was easily intimidated by the entire process. Expressed the nervousness toward me by the prosecutor but could explain why such SAUCOR toward me. Had very limited contact with me and showed disregard for my life. Recommend that I take the "deal" which is business as usual in Marble

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**(b) Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

I Am poor, I  
have nothing - My lawyer just did it,**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

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(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

Attorney unfamiliar with process I believe.

**GROUND THREE:** Vindictive Prosecution

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Prosecution intentionally charged most serious crime, sought most serious penalty for defendant exceeding lawful first Amendment rights. Retaliation for prosecutor's perceived duty to prosecute offenders due to her personal feelings and potential for personal gain.

The witness called by the prosecutor, had no evidence to present other than her 3rd party testimony in which she lied to a direct question from Judge Davis regarding discussion of my penalty with Jane Doe's father.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

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Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Poor judgement by Attorney**GROUND FOUR:**Crime Doesn't meet definition of enticement or coercion

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

18 USC 2422 coercion and enticementA) sexual activity / relations - Did not occurB) coercion - Compulsion by force or threat of physical force, did not happenC. enticement - The act or offense of inviting, persuading, or attempting to persuade a child to enter a vehicle, building, room or secluded place with the intent to commit unlawful sexual act. did not happen.



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**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

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**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

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(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Ineffective Counsel

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing: Chad Dorsk

(b) At the arraignment and plea: Chad Dorsk

(c) At the trial: \_\_\_\_\_

(d) At sentencing: Chad Dorsk

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(e) On appeal: \_\_\_\_\_

(f) In any post-conviction proceeding: \_\_\_\_\_

(g) On appeal from any ruling against you in a post-conviction proceeding: \_\_\_\_\_

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☒ No ☒

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18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

I AM Attempting to file this motion prior to the 7-7-17 deadline - My parents have exhausted all of the money they have. My Grand parents have also exhausted all of their funds as well. My sister has exhausted all her funds as well to pay for Attorney for the \$400.00 for this motion. Additional Attorney was going to be \$12,950 to research and file this motion. An individual's finances should not trump justice.

I Ask to proceed "in forma pauperis" as a poor person

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

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Therefore, movant asks that the Court grant the following relief:

Reduction of sentence to  
reflect what a state sentence would be at the minimum  
and vacate completely on grounds provided at best case  
or any other relief to which movant may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on

June 20<sup>th</sup>, 2017  
(month, date, year)

Executed (signed) on 6-30-17 (date).

Dylan Allen Jeffries  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_